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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,146	05/31/2001	David Chen	5043P012	1947

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EXAMINER

MOLINARI, MICHAEL J

ART UNIT PAPER NUMBER

2665

DATE MAILED: 07/31/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/872,146

Applicant(s)

CHEN ET AL.

Examiner

Michael J Molinari

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 May 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 January 2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Drawings*

The drawings are objected to because the TSM block for ingress processing (220) is not numbered in the drawings. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-15 are rejected under 35 U.S.C. 102 (e) as being unpatentable over Opalka et al., U.S. Patent No. 6,259,699.

Referring to claims 1 and 11, Opalka et al. disclose a network switch (switch, see abstract) and a method of using such a switch comprising a backplane (switch fabric, see Fig. 4) and a plurality of interface cards (interface cards, see column 14, line 22) coupled to the backplane (switch fabric) via an interface (see Fig. 4. Note that interface cards are labeled as “physical layer” and are coupled to the switching fabric). Opalka et al. further disclose that the interface cards are coupled to receive multiple channels of network traffic from external sources (see Fig. 4, note the interfaces receiving ATM with SAR traffic, ATM without SAR traffic, and packet-only traffic), the plurality of interface cards

to receive one or more channels of data according to a first protocol (ATM, see column 4, lines 19-21) and one or more channels of data according to a second protocol (multi-protocol frames from a plurality of I/O modules, see column 4, lines 19-21), the interface cards to route the channels of data over the backplane to one or more predetermined cards (see Fig. 4, note the cards labeled “physical layer” on the ingress portion of the switch, that they send data over the backplane (switching fabric) to a predetermined card, also labeled “physical layer”).

Referring to claims 2, 7, and 12, Opalka et al. disclose a first protocol comprising a TDM protocol. See column 4, lines 19-21 in which Opalka et al. disclose the use of multi-protocol frames for other protocols than ATM. See also column 10, lines 5-8 in which Opalka et al. disclose packet-based technologies to be used such as those in Fig. 3, and see Fig. 3, which comprises a TDM protocol.

Referring to claims 3-5, 8-10, and 13-15, the applicant defines a network traffic protocol as referring to ATM or IP in the instant application. Opalka et al. disclose the use of ATM as a second protocol (see Fig. 4). Opalka further discloses the use of IP over ATM AAL5 (see column 2, lines 10-21), meaning that IP could also be the second protocol.

Referring to claim 6, Opalka et al. disclose an interface card (see Fig. 4, “physical layer”) for use in a network switch (switch, see abstract) in which the interface card comprises a backplane (switch fabric) interface and a network interface (see Fig. 4). The network interface of Opalka et al. transmits and receives multiple channels of network traffic from external sources, with the multiple channels including data from a first and

second protocol (ATM interface and Packet-only interface, see Fig. 4). Opalka et al. further disclose a time slot management circuit (header lookup & forwarding engine, see Fig. 14) that is coupled between the backplane interface and the network interface, which routes the channels over the backplane to one or more predetermined destinations (see column 13, lines 59-61).

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 2002/0001301 to Sarkissian et al. teaches a switch capable of switching multiple types of traffic.

U.S. Patent No. 6,407,997 to DeNap et al. teaches an ATM switch capable of handling TDM traffic.

U.S. Patent No. 6,363,079 to Barzegar et al. teaches a multiprotocol switch.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J Molinari whose telephone number is (703) 305-5742. The examiner can normally be reached on Monday-Friday 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu can be reached on (703) 308-6602. The fax phone numbers for the

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organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9315 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

mjm

Michael Joseph Molinari  
July 17, 2002



HUY D. VU  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600